



Order Filed on October 26, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)
WILENTZ, GOLDMAN & SPITZER, P.A.
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DAVID H. STEIN, ESQ.
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In re:

DUKAT, LLC,

Debtor-in-Possession.

Case No.: 21-14934 (KCF)

Chapter 11 (Subchapter V)

Hon. Kathryn C. Ferguson, U.S.B.J.

Hearing Date: October 26, 2021
at 10:00 a.m.

**ORDER UNDER SECTION 365(a) OF THE BANKRUPTCY CODE
AUTHORIZING THE DEBTOR TO REJECT THE LEASE WITH
305 CLEARVIEW LIMITED PARTNERSHIP NUNC PRO TUNC
AND FIXING A CLAIMS REJECTION BAR DATE**

The relief set forth on the following pages numbered two (2) through three (3) is hereby **ORDERED**.

DATED: October 26, 2021


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Page 2

Debtor: Dukat, LLC

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THIS MATTER having been opened to the Court by Dukat, LLC, the within debtor and debtor-in-possession (the “Debtor”), by and through its proposed attorneys, Wilentz, Goldman & Spitzer, P.A., seeking entry of an order pursuant to 11. U.S.C. § 365(a) and Federal Rule of Bankruptcy Procedure 6006 authorizing the Debtor to reject the lease with 305 Clearview Limited Partnership (the “Lease”) *nunc pro tunc* to the filing date of the Debtor’s bankruptcy petition, June 16, 2021 (the “Petition Date”) and fixing a claims rejection bar date, if any, for claims arising from same (the “Motion”); and the Court finding that (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) the relief requested in the Motion is in the best interests of the Debtor, its estate, and the creditors; (d) adequate notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary; and (e) upon the record herein, after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED that:

1. The Motion be, and hereby is, granted.
2. The Debtor is authorized to reject the Lease with 305 Clearview Limited Partnership (the “Landlord”) *nunc pro tunc* to the Petition Date.
3. The last date for the Landlord to file a rejection damage claim, if any, pursuant to § 502 of the Bankruptcy Code or other claims in connection with the Lease (the “Claim”)

Page 3

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shall be thirty (30) days from entry of this Order (the “Rejection Bar Date”). Proofs of claim must be timely filed with the Clerk of the United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608.

4. If the Landlord fails to timely file a Claim before the Rejection Bar Date, it shall be forever barred from asserting such Claim against the Debtor and/or its estate.

5. The Debtor retains the right to object, dispute, or assert setoffs or defenses against any Claim filed by the Landlord, including, but not limited to, challenging the nature, validity, liability, amount, or classification of any such Claim.

6. Nothing in the Motion and herein shall be deemed a determination that the rejected Lease is an “executory” or “unexpired” under section 365 of the Bankruptcy Code.

7. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from this Order.

8. This Order is effective immediately upon entry.